

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:11-cv-417-RJC**

WILLIAM HENRY MORRIS,)	
)	
)	
Plaintiff,)	
)	
)	
)	<u>ORDER</u>
v.)	
)	
MATTOS MICHEALLE,)	
)	
)	
Defendant.)	

THIS MATTER comes before the Court on a Letter from Plaintiff dated February 6, 2012, (Doc. No. 14), which the Court construes as a Motion to Amend.

I. DISCUSSION

In his Complaint filed pursuant to 42 U.S.C. § 1983, Plaintiff alleged that on October 25, 2010, a Charlotte-Mecklenburg police officer slammed Plaintiff into a car while Plaintiff was in handcuffs, causing Plaintiff's teeth to be chipped. Plaintiff also alleges that the officer used racial slurs when referring to Plaintiff. Plaintiff named "Mattos Michealle" as the arresting officer in his Complaint. In Plaintiff's letter dated February 6, 2012, Plaintiff now states that the arresting officer was not "Mattos Michealle," and that he can only identify the arresting officer by the badge number given on the arrest form. Plaintiff also states that he wants to add Charlotte-Mecklenburg police officer Rodney D. Monroe ("Monroe"), the Charlotte-Mecklenburg Police Department ("CMPD") and the City of Charlotte ("Charlotte") as Defendants.

The Court will allow Plaintiff to amend his Complaint to add John Doe, the unnamed officer who arrested him. Further, the Court will order CMPD to provide Plaintiff and the Court with the name of the arresting officer within 20 days of this Order. When the name of the arresting officer has been provided to the Court, the Court will replace John Doe with the arresting officer as a named Defendant in this matter.

While Plaintiff states that he would like to add Monroe, Charlotte and CMPD as defendants, Plaintiff does not allege any facts against them. Therefore, the Court will deny Plaintiff's motion to amend his Complaint as to Monroe, Charlotte and CMPD .

IT IS, THEREFORE, ORDERED that:

1. Plaintiff's Motion to Amend the Complaint, (Doc. No. 14), is **GRANTED in part and DENIED in part**. Plaintiff shall be permitted to replace Mattos Michealle with John Doe as the sole defendant in this action.
2. Within 20 days of entry of this Order, the Charlotte-Mecklenburg Police Department shall provide Plaintiff and the Court with the name of the officer who arrested Plaintiff on October 25, 2010. When the name of the arresting officer is provided, the Complaint will be amended to replace John Doe with the arresting officer as a named Defendant in this action.

Signed: March 5, 2012



Robert J. Conrad, Jr.
Chief United States District Judge
